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EPA Region 5 Records Ctr.



330567

May 8, 2009

Mr. Thomas J. Krueger
Regional Counsel Section 1 – Media Branch II
Office of the Regional Counsel
United States Environmental Protection Agency
C-14J
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Krueger:

On behalf of Scot Incorporated (Scot), we submit the following site-specific comments for consideration prior to finalizing the Remedial Investigation report for OU1 at Ellsworth Industrial Park (EIP). These comments supplement and amplify the "Core Technical Comments" previously submitted to the U.S. Environmental Protection Agency (U.S. EPA) in correspondence dated April 9, 2009.

Scot's comments are as follows:

1. On Page 5-12 of the draft report, the U.S. EPA notes that the groundwater results from six locations (GW056, GW060, GW029, GW030, GW012, and GW132) were "not used in the HHRA because of the collapse of soils into the boreholes subsequent to drilling." Two of these locations are found on the Scot property: GW029 and GW030. The soil collapses into the boreholes prior to groundwater sampling compromised the integrity of these groundwater samples, particularly since the water samples were collected immediately after well installation (within several hours). This is exemplified by the grossly elevated levels of contaminants found in those samples relevant to the neighboring sampling results. These samples are clearly not representative of groundwater contaminant levels and greatly overestimate the level of contamination at and around these locations. With the decision to omit these data from the HHRA, the U.S. EPA has clearly acknowledged that these samples are compromised and that they do not represent actual conditions. Scot concurs with that decision.

This error is compounded by the repeated citation to these flawed results in the report text, tables, and figures. However, despite acknowledging the flaws in the data and omitting their use in the HHRA, the results are repeatedly cited in the report text, tables, and figures. The text refers to these wells on

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pages 4-22, 4-24, 4-25, 5-12, 6-48, and 10-17. The results are noted in Tables 4-4, 5-4, 6-9a, 6-9b, 6-9g, 6-9i, and 6-9k. The locations and/or results are also shown on Figures 4-1, 4-27, 4-28, 4-33, 4-35, 4-37, 5-17, 5-18, 5-19, 5-24, 5-26, 5-28, 6-20, 6-21, and 6-22. The inclusion of this erroneous data in the report text, tables, and figures likewise renders them inaccurate, not representative of actual site conditions, and overstates the degree of groundwater contamination in and around these locations.

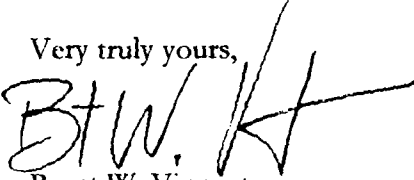
This comment has been made and discussed in a number of meetings and teleconferences with representatives from both the U.S. EPA and Weston. Although all parties acknowledge the flawed nature of the data, the data and all references to it remain in the report. During the last teleconference on April 30, 2009, Weston personnel even went so far as to state that “the data have to be left in the report.” We do not understand this comment. Nor do we understand why this data, which is admittedly flawed and excluded from the HHRA, remains in the RI. Compounding U.S. EPA’s insistence on including this bad data is its refusal to include other data collected by the Group because they are unable to verify the “data quality.” All we request is consistency and that bad or unverified data not be included in the RI. Scot requests that the U.S. EPA omit these six samples from the RI dataset and accordingly adjust the above-referenced text, tables, and figures. Scot also renews its request for a meeting to further discuss this concern.

2. Figure 4-8 (Soil Gas Sampling Location Map – Area G) incorrectly depicts sample locations PS029 and PS030, both located inside the 2525 Curtiss Street facility. The samples are depicted on the figure as (roughly) located in the northeast and southwest corners of the building, when the samples are in fact located in (roughly) the northwest and southeast corners of the building. This is essentially a “90 degree” rotation of the sample locations inside this building. This error should be corrected.
3. Figures 4-21, 5-9, 6-3, 6-4a, 6-4b, 6-11a, 6-11b, 6-11c, 6-11d, 6-11e, 6-11f, 6-11g, incorrectly depict sample locations 198 and 199, both located inside the 2525 Curtiss Street facility. The samples are depicted on the figures as (roughly) located in the northeast and southwest corners of the building, when the samples are in fact located in the northwest and southeast corners of the building. This is essentially a “90 degree” rotation of the sample locations inside this building. This error should be corrected.
4. Scot has no comment on the latest version of the Soil Screening Levels (SSLs) dated April 27, 2009.

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Scot reserves the right to submit formal comments on the draft RI when it is released for public comment.

Very truly yours,

Brent W. Vincent

BWV:tb

cc: Michael Berkhoff